

## REMARKS/ARGUMENTS

Applicants respond herein to the final Office Action dated June 26, 2009.

Claims 1, 8-11, and 18-20 are pending in this application. Claims 12-15 have been withdrawn from further consideration by the Examiner and claims 2-7 and 16-17 have been cancelled.

The rejection of claim 16 has been rendered moot with the cancellation thereof.

Claim 1 has been amended to exclude sodium carbonates and to include the limitations of claim 17 (claim 17 being accordingly cancelled).

Claims 1, 8-11 and 16-20 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,136,062 to Löffelholz et al. in view of U.S. Patent No. 5,417,917 to Takahar, et al. and further in view of U.S. Patent No. 6,015,527 to Kamei et al.

In support of the rejection, the Examiner has asserted that the Kamai et al. reference discloses a method for producing reduced iron with bentonite being used as a binder. However, the utilization of a bentonite binder is antithetical to the presently claimed invention of obtaining a uniform metal powder and the relative amounts of binder constituents as claimed. The utilization of the bentonite binder by Kamei, et al. is for the purpose of facilitating uniform and rapid mixing with the formation of compacts in sheet-like shapes and is accordingly in different ratios. It is also submitted that the oxides of the enumeration metals do not include the bentonite silicate compounds as in Kamei et al. It is noted that carbonates which are literally oxides are separately enumerated whereas silicates including bentonites are not included in oxides. In addition, to this effect, new independent claim 21, identical to amended claim 1, is submitted herewith, with the specific exclusion of bentonites from the Markush listing of binder materials. In addition, sodium carbonates, as described by Kamei et al., have also been excluded as binders, with the above amendment.

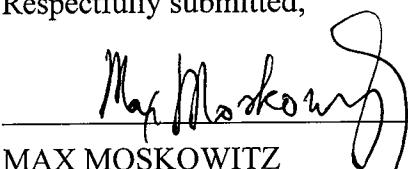
Furthermore, even with consideration of the bentonites of Kamei et al as binder, they are not disclosed as being used in ratios as claimed. With respect to the relative amounts of binder as disclosed by Kamei et al., it is submitted that the amount of bentonite used therein is 1.5 to 5 % by weight relative to iron which is 58.6 to 77% by weight (see Tables 5, 12, 20 and 24). The amount of iron in iron ore (Fe<sub>2</sub>O<sub>3</sub>) is 70% by weight (Fe<sub>2</sub>/Fe<sub>2</sub>O<sub>3</sub> = 112/160 = 0.7) with Fe<sub>2</sub>O<sub>3</sub> being more than 96.2% weight (Table 22). Thus, the amount of iron in Kamei et al. is 41.02 to 53.9% by weight and the amount of bentonite is 1.5 to 5 weight percent. The molar ratio of Na and Fe in Kamei et al is at most “(5/23) : (41.02/56) = 0.296:1”, or less than 0.30, even with the

bentonite of Kamei et al, being composed of 100% of Na form, since the atomic weight of Na is 23 and the atomic weight of Fe is 56. In fact, the actual molar ratio is much less than the above calculated 0.30 with the bentonite of Kamei et al. since it is impossible for the bentonite to be of pure sodium form, which has the lowest atomic weight of all the metals enumerated in present claim 1.

Accordingly, the amended claim which requires the mixing ratio of the compound so that cations in the compound are blended at 0.5 to 1 mole relative to 1 mole of the metal contained in the metal compound feed compact, is well outside the range disclosed by Kamei et al. Furthermore, the range of Kamei et al. is optimized for the **specific purpose of facilitating uniform and rapid mixing** with the formation of compacts in sheet-like shapes. The ratio, as calculated above, of Kamei et al. for the process facilitation is accordingly in different ratios than for the presently claimed optimization for **obtaining a metal powder** which, as described in the specification, is uniform. Kamei et al's ratio for the process facilitation (unrelated to uniform metal powder formation) would not be modified, as the Examiner has suggested, to encompass the presently claimed range and ratio of a uniform mixture.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

  
MAX MOSKOWITZ  
Registration No.: 30,576  
Ostrolenk Faber LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

MM/lac

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON SEPTEMBER 25, 2009